



Franklin

COUNTY KANSAS

EST. 1855

FRANKLIN COUNTY BOARD OF ZONING APPEALS

PUBLIC MEETING MINUTES

6:30 P. M. MAY 6, 2025

COUNTY COMMISSIONERS MEETING ROOM

ATTENDANCE: K. Stinebaugh, Chair; J. Kosko; H. Peckham; E. Harris; G. Wilkins and J. Perry were present. J. Falls was excused.

STAFF: Pat Toth, Planning Director; Deann Farrell, Administrative Coordinator

COMMISSIONERS: None.

CO COUNSEL: None.

PUBLIC: Two (2) people signed in. Sign-in list is part of the official file copy located in the Planning Office.

NOTES: Chair called the meeting to order at 6:30 p.m.

ADOPTION OF THE AGENDA: May 6, 2025 Public Meeting

NOTES: Chair asked if there were any amendments to the May 6, 2025 Agenda. There were none. Chair asked for a motion. H. Peckham made a motion to approve the agenda as presented. The motion was seconded by E. Harris. Chair called for a voice vote. All voted in favor. The minutes were approved 6-0 as presented.

APPROVAL OF MINUTES: April 1, 2025 Public Meeting

NOTES: Chair asked if there were any corrections to April 1, 2025 minutes. There were none. Chair asked for a motion. G. Wilkins made a motion to approve the minutes of April 1, 2025 Public Hearing as written. The motion was seconded by H. Peckham. Chair called for a voice vote. All voted in favor. The minutes were approved 6-0 as written.

COMMUNICATIONS:

PUBLIC MEETING ITEMS:

1. Application #000006-2025 (Lowcock) for a Variance to Article 4, Section 4-4.0-4 to reduce the lot length-to-width ratio (4:1) to permit one lot split where the new tract will not meet the required lot frontage. Said property is commonly known as 220 Labette Road and is located on the South side of Labette Road, approximately one-quarter (1/4) mile East of Alabama Terrace, in the Northeast Quarter (SE ¼) of Section 14, Township 17 South, Range 17 East.

Staff Presentation: The Chair opened Staff Presentation.

P. Toth presented the staff report for consideration of an application for a variance to the lot length-to-width requirements to allow for a lot split to divide 95.00 acres into two (2) tracts. The applicant is proposing to sell approximately 40.00 acres to his brother and retain the remaining approximately 55.00 acres for agricultural purposes. The brother plans to build a new residence on approximately 40.00 acres and continue to use the remaining land for agricultural purposes. The only access to the existing 95.00 acres is off Labette Road. The property is commonly known as 220 Labette Road and is located on the South side of Labette Road, approximately one-quarter (1/4) mile East of Alabama Terrace, in the Northeast Quarter (SE ¼) of Section 14, Township 17 South, Range 17.

P. Toth briefly addressed each of the findings of fact directly based upon the particular evidence present that supports the conclusions required by K.S.A. 12-759 as enumerated in the staff report for use by the Board of Zoning Appeals in making the findings necessary to approve or deny the requested variance. This included discussion on whether the request does or does not arise from a condition which is unique to the property in question; whether denial of the variance would constitute an unnecessary hardship on the applicant and if granting of the variance would be opposed to the general spirit and intent of the Franklin County Zoning Regulations. Staff recommended the Board of Zoning Appeals approve the request as there are no other locations available to provide access to the two (2) new lots, that the strict application of the provisions of these regulations from which a variance is requested will constitute unnecessary hardship upon the property owner represented in the application, that the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare; and that the granting the variance desired will not be opposed to the general spirit and intent of these regulations.

P. Toth had nothing further to add unless the Board of Zoning Appeals had any questions.

The Chair closed Staff Presentation.

Applicant Presentation: The Chair opened Applicant Presentation.

Phillip Lowcock, the applicant, stated he retired from the University of Kansas and wants to be subsistence farmer and was looking for 40 acres to build his homestead on. The 95 acres that he purchased happened to be at the right price and he fell in love with the rural nature of the property. He read through the bylaws, and he is very interested in maintaining the intent of the A-1, Agriculture District and keeping the property agricultural in nature. He does not want the property to be split into a whole bunch of little pieces and create a neighborhood. He is intentionally getting away from a neighborhood which is why he purchased the property in the first place. His brother fell in love with his vision and asked if he could purchase half the property, which is why he is requesting the lot split. His brother is retiring in 5 years, and he just retired and plans to build a home out there this fall. They want to keep the property agricultural in nature as a subsistence farm. His brother is a beekeeper and so they want to have bees out on the property and enough goats to help him keep the overgrowth down and maybe a couple of pigs and a couple of cows. He had nothing further unless the board had any questions.

The Chair closed Applicant Presentation.

Public Comment: The Chair opened Public Comment. There were none. The Chair closed Public Comment.

Board Discussion: The Chair opened Board Discussion.

G. Wilkins asked if there was any access from Arkansas Road?

P. Toth stated the property doesn't go all the way to Arkansas Road. The property to the West of this tract are established wetlands and would most likely stay as wetlands and that property goes all the way over to Arkansas Road.

G. Wilkins asked if there were any comments from the surrounding property owners?

P. Toth stated there were a couple of phone calls from the neighbors asking what was being proposed. Once told what was being proposed, and it would be limited to two residences, they had no objections. They liked the fact there would only be two new residences because if you look to the North there are about four houses.

The Chair closed Board Discussion.

Chair asked for a motion. G. Wilkins made a motion to approve variance application #000006-2025 (Lowcock) for a Variance to Article 4, Section 4-4.0-4 to reduce the lot length-to-width ratio (4:1) to permit one lot split where the new tract will not meet the required lot frontage. J. Perry seconded the motion. Chair called for roll call vote.

Peckham	Yes	Wilkins	Yes
Stinebaugh	Yes	Kosko	Yes
Harris	Yes	Falls	Excused
Perry	Yes		

Motion carried 6-0.

PUBLIC COMMENT SECTION: Chair opened Public Comment. There were none. Chair closed Public Comment.

GENERAL BOARD DISCUSSION: Chair opened General Board Discussion. There were none. The Chair closed General Board Discussion.

ADJOURNMENT: With no further business to discuss, Chair asked for a motion for adjournment. J. Perry made a motion to adjourn. G. Wilkins seconded the motion. All voted in favor 6-0. The meeting was adjourned at 6:40 p.m.

Attest:


Pat Toth, Planning Director


Kristie Stinebaugh, Chair